

BILL NO. Z-86- 04-22

ZONING MAP ORDINANCE NO. Z-

06-86

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. S-14.

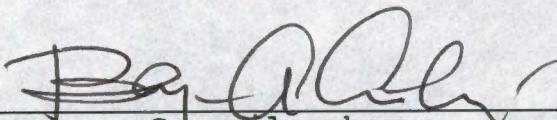
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a B-1-A (Limited Business) District under  
the terms of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana of 1974:

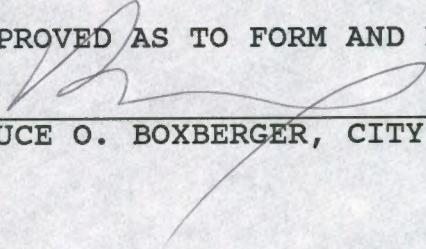
Lot 1-E together with the West 18 feet of Lot 1-D in  
State/Reed Professional Office Park, Section I,  
according to the plat thereof, recorded in plat Record  
47, pages 42-46, in the Office of the Recorder of Allen  
County, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No.  
S-14, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

  
\_\_\_\_\_  
Ray A. Allen  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Eisbart  
seconded by Steier, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the Ci  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.

DATE: 4-22-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Steier  
seconded by Bradbury, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>2</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 5-27-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-06-86  
on the 27th day of May, 1986,

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 28th day of May, 1986,  
at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29 day of May  
1986, at the hour of 3:30 o'clock P. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

**RECEIPT**

COMMUNITY DEVELOPMENT &amp; PLANNING

No 576

FT. WAYNE, IND. 3-25 1986

RECEIVED FROM Wm Swift  
THE SUM OF \$ 50.00  
ON ACCOUNT OF DOLLARS

AUTHORIZED SIGNATURE

reconig. 3057 Reed Reed  
Fay B.

TO: COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANADate Filed \_\_\_\_\_  
Intended Use \_\_\_\_\_

XXXX East State Professional Center, an Indiana General Partnership

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/~~xx~~ P.O.D. district to a/~~xx~~ B-1-A district the property described as follows:

Lot 1-E together with the West 18 feet of Lot 1-D in State/Reed Professional

Office Park, Section I, according to the plat thereof, recorded in Plat Record

47, pages 42-46, in the Office of the Recorder of Allen County, Indiana

(more commonly known as 2037 Reed Road, Ft. Wayne, IN)

SEE ADDITIONAL INFORMATION ON ~~REVERSE INDEX~~ ATTACHED

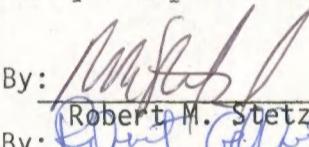
(Legal Description)

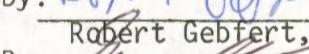
(General Description for Planning Staff Use Only)

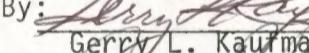
I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

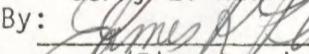
EAST STATE PROFESSIONAL

CENTER, an Indiana General \_\_\_\_\_ 4606 E. State, Ft. Wayne, IN  
Partnership \_\_\_\_\_ 46815

By:   
 Robert M. Stetzel, Partner

By:   
 Robert Gebert, Partner

By:   
 Gerry L. Kaufman, Partner

By:   
 James R. Platt, Partner

(Name)

(Address)

Legal Description Checked By:

(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:  
590 Lincoln Tower

William D. Swift, Attorney

Ft. Wayne, IN 46802

(219) 423-4422

(Name)

(Address)

(Telephone Number)

CITY PLAN COMMISSION, CITY-COUNTY BUILDING, Room # 880, ONE MAIN STREET, FORT WAYNE,  
INDIANA, 46802 Telephone Number: 423-7571

In exchange for re-zoning the property to a "B-1-A" District, Applicant, as owner of the property, will cause a Restrictive Covenant to be placed upon the real estate limiting the use of the property to that of a barber shop or beauty parlor, and no other uses permitted in a "B-1-A" District shall be permitted upon the real estate.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 22, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-04-22; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 21, 1986;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

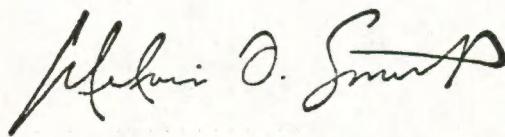
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 28 April 1986.

Certified and signed this  
30th day of April 1986.



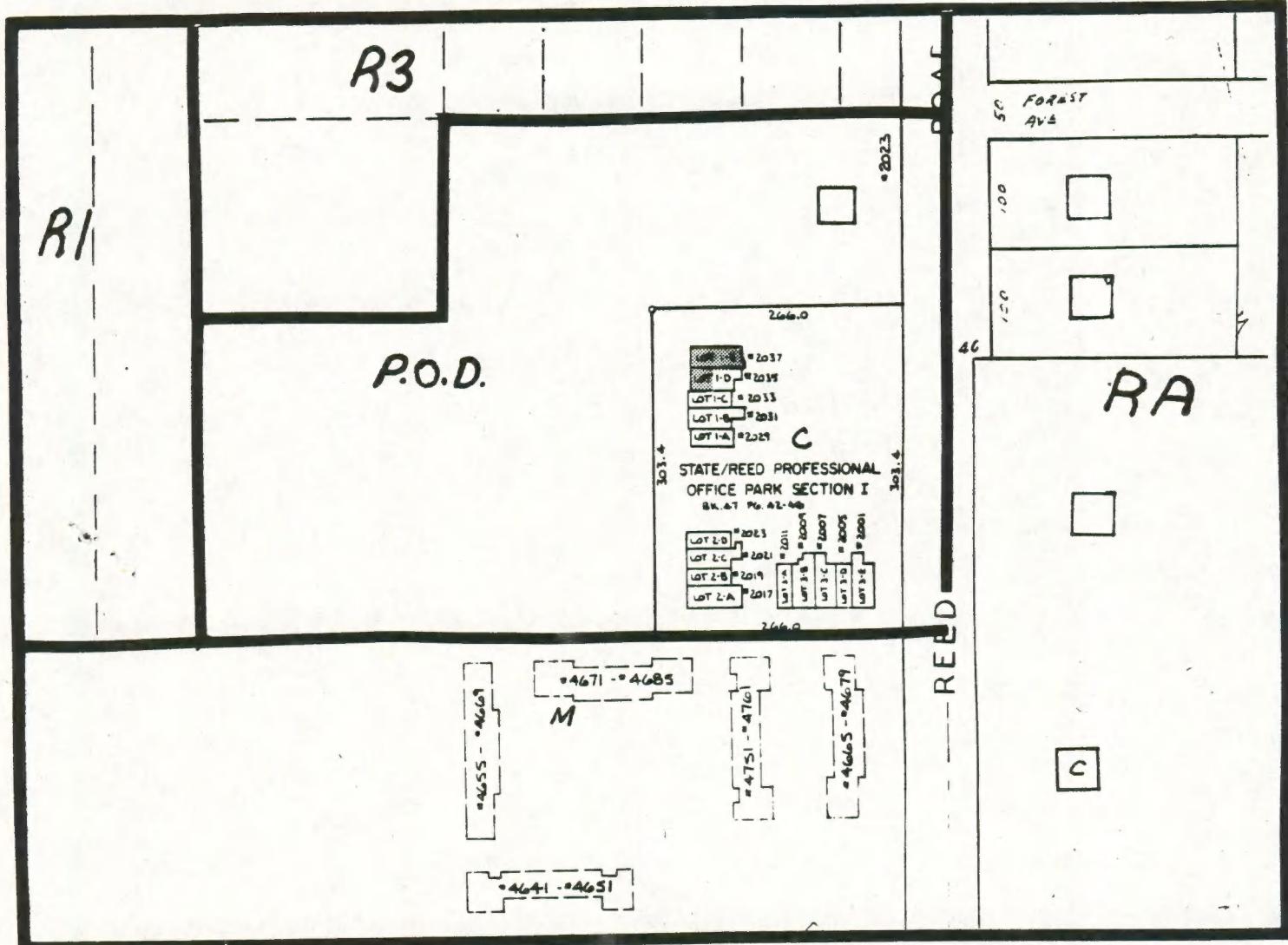
Melvin O. Smith  
Secretary

**RECONNING PETITION #71**

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING  
DESCRIBED PROPERTY FROM A P.O.D. DISTRICT TO A B.I.A. DISTRICT.

MAP NO. S-14

COUNCILMANIC DISTRICT NO. 2



**ZONING:**

- P.O.D. PROFESSIONAL OFFICE DISTRICT
- RA RESIDENCE 'A'
- R3 RESIDENTIAL DISTRICT
- R1 RESIDENTIAL DISTRICT

**LAND USE:**

- SINGLE FAMILY
- MULTI-FAMILY
- COMMERCIAL

**SCALE:** 1"=165'

**DATE:** 4-7-86



# Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		
<b>DETAILS</b> <b>Specific Location and/or Address</b> 2037 Reed Road		
<b>Reason for Project</b> For use as a barber shop/beauty shop.		
<b>Discussion (Including relationship to other Council actions)</b> <u>21 April 1986 - Public Hearing</u>  William Swift, attorney for the petitioners and titleholders, East State Professional Center stated that they wanted the rezoning in order to put a barber shop/beauty shop in. Mr. Swift stated they will place a restrictive covenant on the property limiting the use of the property to a barber shop/beauty shop and no other uses permitted in a B-1-A zone would be allowed. Mr. Swift that they did the exact same thing in Georgetown Professional Village. He stated that this complex will continue to be developed into professional offices and a professional center. Mr. Swift stated he did not feel that the use they were requesting was out of character with the Professional Office District. He stated that the building will remain the same, it will look no different than any of the other offices and will have a sign that will meet the code of the district.  George Martin stated he felt this request if granted, could set a bad precedent. He questioned what would prevent the people requesting the rezoning from deviating from the plan once it is rezoned.		
POSITIONS	RECOMMENDATIONS	
Sponsor	City Plan Commission	
Area Affected	City Wide  Other Areas	
Applicants/ Proponents	Applicant(s) East State Professional Cen City Department  Other	
Opponents	Groups or Individuals  Basis of Opposition	
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against  <b>Reason Against</b> -would constitute spot zoning -set an undesirable precedent	
Board or Commission Recommendation	By  <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to condition (See Details column for condition)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pas	

## DETAILS

Mr. Swift stated that they intend to amend the restrictive covenants for the subdivision to allow only for the use of the requested property for a barber shop/beauty salon and all other uses in a B-1-A would not be allowed. He stated that this is a platted subdivision with recorded covenants.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

28 April 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of denial, one did not vote.

## POLICY/PROGRAM IMPACT

<b>Policy or Program Change</b>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>		

(This space for further discussion)

**Project Start**      **Date** 25 March 1986

**Projected Completion or Occupancy**      **Date**      30 April 1986

**Fact Sheet Prepared by** \_\_\_\_\_ **Date** 30 April 1986

Patricia Biancaniello

**Reviewed by** \_\_\_\_\_ **Date** 30 April 1986

May Butterfield  
27 April 1955

*20 Jan 1*  
Reference or Case Number

**ORIGINAL**

Admn. Appr. \_\_\_\_\_

COUNCILMANIC DISTRICT NO. \_\_\_\_\_

DIGEST SHEET

**ORIGINAL**

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE , 2037 Reed Road 3-86-04-22

EFFECT OF PASSAGE Property is now zoned P.O.D. - Professional Office District.

Property will become B-1-A - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain P.O.D. - Professional Office District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

BILL NO. Z-86-04-22

REPORT OF THE COMMITTEE ON Committee of the whole  
REGULATIONS  
WE, YOUR COMMITTEE ON Committee of the whole  
REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) XXXXXX (RESOLUTION) amending the City of Fort  
Wayne Zoning Map No. S-14

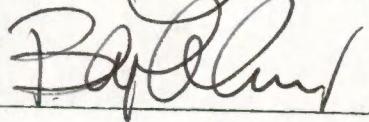
HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

X (RESOLUTION)

YES

DO PASS

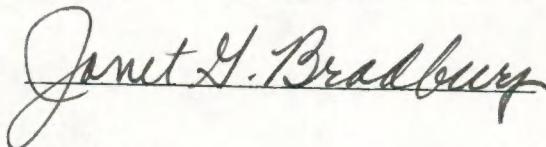
NO



BEN A. EISBART  
CHAIRMAN

JANET G. BRADBURY  
VICE CHAIRWOMAN

DONALD J. SCHMIDT





THOMAS C. HENRY

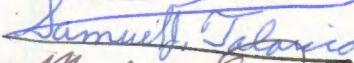


CHARLES B. REDD

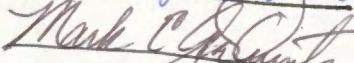
CONCURRED IN



Mike Burns



Sam Talarico



Mark Giavinta

SANDRA E. KENNEDY  
CITY CLERK